

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

# UNITED STATES OF AMERICA

V.

**BILLY RAY KEEN,**

Defendant.

$$\begin{array}{c} ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \\ ) \end{array}$$

Case No. 1:15CR00003-001

## OPINION AND ORDER

By: James P. Jones  
United States District Judge

*Billy Ray Keen, Pro Se.*

The defendant, a federal inmate, has filed a pro se motion which I interpret as a motion pursuant to the First Step Act of 2018 (Act) seeking compassionate release from the sentence of imprisonment imposed by this court because of the current Covid-19 health crisis and its danger to him because of his own health issues.

Prior to the Act, only the Director of the Bureau of Prisons (BOP) could file a motion with the court seeking compassionate release for an inmate. However, the Act amended 18 U.S.C. § 3582(c) to provide that a sentencing court may, after considering the sentencing factors set out in 18 U.S.C. § 3553(a), modify a sentence to grant compassionate release either upon motion of the Director “or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the [BOP] to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility.” 18 U.S.C. § 3582(c)(1)(A).

According to the exhibits submitted by Keen, he requested compassionate release by memo to the Warden of his institution on March 24, 2020. There is no indication that he has received a response. Accordingly, he has not yet exhausted his administrative remedies. If the Warden denies his request within 30 days, he must then pursue the BOP administrative appeals that are available to him. I thus deny the motion, ECF No. 1069, without prejudice. If he fully exhausts his administrative remedies with the BOP, and his request is finally denied, or if the Warden does not respond to his request within 30 days, he may refile his motion.

It is so **ORDERED**.

ENTER: April 14, 2020

/s/ JAMES P. JONES  
United States District Judge